

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY WILLIAMS,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 04-0012
)	Judge Gary L. Lancaster
LT. FORTE, et al.,)	
Defendants.)	

MEMORANDUM ORDER

On January 13, 2006, Plaintiff, Anthony Williams, filed a Motion for Reconsideration (doc. no. 23) of this Court's December 23, 2005 Order dismissing his action without prejudice (doc. no. 22). This Court has authority to grant relief pursuant to Fed. R. Civ. P 60(b).

By way of history, Plaintiff, Anthony Williams, AY-6759, a state prisoner confined at the State Correctional Institution at Fayette, Pennsylvania, commenced the present action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983. Named as Defendants are fifteen (15) present and/or former officers/employees of the Pennsylvania Department of Corrections (DOC) and various medical personnel at SCIP. In his Complaint, Plaintiff alleges that Defendants violated his rights as guaranteed by the First, Fourth, Eighth and Fourteenth Amendments of the United States Constitution.

Plaintiff was granted leave to proceed in forma pauperis in this action on October 12, 2005 (doc. no. 12). On October 27, 2005, Plaintiff was ordered to provide proper instructions for

service upon each Defendant, along with a completed notice and waiver of summons, and copies of the complaint for each Defendant, to the Clerk of Court, for the Western District of Pennsylvania, on or before November 14, 2005 (doc. no. 14). On November 16, 2005, the Plaintiff was ordered to show good cause why he did not comply with the Court's order dated October 27, 2005 (doc. no. 17). On December 19, 2005, Plaintiff filed a nearly illegible response and did not include the requisite forms and copies for service (doc. no. 21). Consequently, this Court dismissed his action without prejudice.

In his Motion for Reconsideration, Plaintiff avers that he was confined in the Restricted Housing Unit and did not receive his legal mail from the Court in a timely fashion. He further asserts that he gave the requisite forms and copies for each of the fifteen defendants to Correctional Officer Long for mailing and that Long stole the complaints and forms and refused to mail them out. In light of these assertions, the following Order is issued.


AND NOW, this 14th day of September, 2006;

IT IS HEREBY ORDERED that this Court's December 23, 2005 Order dismissing Plaintiff's case (doc. no. 22) is hereby **VACATED**.

IT IS FURTHER ORDERED that the Plaintiff shall provide proper instructions, U.S. Marshal form 285 for service upon each

Defendant, along with a completed notice and waiver of summons, and copies of the complaint for each Defendant, to the Clerk of Court, for the Western District of Pennsylvania, on or before October 15, 2006. Failure to provide such copies will result in dismissal of this action.

The case is hereby remanded back to Magistrate Judge Francis X. Caiazza for all further pre-trial proceedings.



Gary L. Lancaster
United States District Court Judge

cc: Francis X. Caiazza
United States Magistrate Judge

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